

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

FILED
RICHARD W. NAGEL
CLERK OF COURT

FEB -5 2025 3:11 P

JOHN PAUL DURBIN,

Plaintiff,

v.

Case No. 2:25-cv-00013-MHW-KAJ

JOSEPH BIDEN, in his official capacity as 46th President of the United States; and
JANET YELLEN, in her official capacity as 78th Secretary of Treasury; and
DONALD TRUMP, in his official capacity as 47th President of the United States; and
SCOTT BESSANT, in his official capacity as 79th Secretary of Treasury; and
MIKE JOHNSON, in his official capacity as Speaker of the House of Representatives; and
JOHN THUNE, in his official capacity as Majority Leader, United States Senate; and
CHUCK SCHUMER, in his official capacity as Minority Leader, United States Senate; and
HAKEEM JEFFRIES, in his official capacity as Minority Leader, House of Representatives; and
AMY KLOBUCHAR, in her official capacity, as chair, Senate Rules Committee, 2023-2024;
DEB FISCHER, in her official capacity as co-chair, Senate Rules Committee, 2023-2024;
and et. al.,

Defendants.

**AMENDED COMPLAINT FOR DECLARATORY,
INJUNCTIVE RELIEF, AND DAMAGES**

INTRODUCTION

1. This case is a constitutional crisis unlike any in the history of the nation. On its face, this is merely a case of a single plaintiff against defendants who happen to be the highest elected officials in the federal government, including the president and Treasury secretary and the highest congressional leaders. But it is so much more than those individuals in those specific offices. This

case pits the Constitution, the United States Code, the concepts of the rule of law, coequal but independent branches of government, a system of “checks and balances” built into the legal and constitutional fabric of the nation, independent courts and the most basic level of honest and accountable public government against the record of the Article I and Article II branches of government in their ongoing, joint scheme to protect their political careers above everything else.

2. Plaintiff John Paul Durbin files suit seeking declaratory and injunctive relief against Defendants, to establish in law his specific rights under the United States Constitution, including the full exercise and enjoyment of all five of his First Amendment rights, separately and in each of the twenty-six combinations thereof, those rights of the Free Exercise of Religion, Freedom of Speech, Freedom of the Press, Freedom of Assembly, and the Right to Petition Government For a Redress of Grievances. Plaintiff Durbin calls upon the further protection of those rights under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Plaintiff Durbin has repeatedly asked members of Congress and its leaders to honor these most basic, constitutionally protected rights for his unfettered access into the seven office buildings on Capitol Hill which house the offices of the individual members of Congress, 435 representatives and 100 senators, during “normal business hours” when those buildings are “open to the public,” with the ability to bring with him as substantial an amount of his written documents as he deems necessary.

3. Plaintiff Durbin asks for the Free Exercise of Religion as he brings his gospel of servant-leadership, whereby his God calls upon him to lobby members of Congress for honest, transparent, orderly, calm, deliberative, and accountable: public government. Plaintiff Durbin seeks to fully exercise his Freedom of Speech to speak with congressional staffers and to leave written documents as he lobbies for better, honest, and accountable public government by the Congress of the United States. Plaintiff Durbin, as citizen-journalist, asks, seeks, needs, and requires the full use of his Freedom of the Press so that he might enjoy the free and easy access into and throughout the

United States Capitol Hill Office Complex (Complex), including the Capitol Building and the seven office buildings of the members of Congress, asking for the same level of access accorded credentialed members of the Congressional Press Galleries. Plaintiff Durbin needs to have his right of Assembly unquestioned and fully honored by members Congress, by the Capitol Police Board, and all Capitol Police officers as that right, by definition, is concurrent-and-necessary for the full exercise of the other-four First Amendment rights in all of their combinations within the Complex during “normal business hours.” Lastly, and far too long overlooked by the citizens of this republic throughout our 237-years-long political experiment in self-government, Plaintiff asks for his Right to Petition For a Redress of Grievances to be honored so that his formal, written Petition(s) For Redress may be delivered, in person, to the principal place of business for the members of Congress at their individual offices upon Capitol Hill, Washington, in the federal District of Columbia.

4. Plaintiff Durbin is a citizen-journalist-activist who has spent the last fourteen years working to report on the spending-and-debt games played by the Congress of the United States. For much of that time this was the journey of a first-time book author investigating the dysfunctional national political show as played out by an always contentious Congress, featuring constant fighting between the political teams. The impossible to miss, always late passage of the annual spending, always rushed to a hasty conclusion with no notice to members or to the nation prior to passage of a monster spending bill which no member could have read. Those spending bills had always been negotiated in secret, behind closed doors. Congress had passed multiple excuses along the way, “temporary spending patches” known as continuing resolutions. The ending was always preordained so that the secret deal was announced days before the current, temporary spending ran out. Always, always, always, the secret bill was rushed into print, then voted on by members who had but one choice: *yes or no* for the thousand-page-plus spending bill. This game's been played this way, year after year without end. A public, dissatisfied, disgusted, disappointed, and disillusioned knows no

other answer or ability for how to change this storyline, this now-eternal dysfunctional pattern, other than to vote. And so they have but nothing in “the show” in Washington, in Congress, co-produced by whomever sat (sits) in the Oval Office, ever changed. Plaintiff Durbin, citizen-journalist-activist, seeks to report the full, heretofore untold story to a nation deceived and lied to by every member of Congress, each president, and by every false, incomplete, intentionally misleading piece of reporting by the national press, the famous press, legacy media, liberal media, mainstream media, conservative media, and all the talkers and writers on American politics who failed to speak of the ugly, specific, dark, dark truths at the heart of the ongoing, long-running Washington conspiracy to overspend while hiding 98 percent of *that show* from the public. *The devastating consequences have now arrived!*

5. Plaintiff Durbin's journalism reaches its powerful crescendo as it reports the tale of the “broken” Public Debt limit which has remained “stuck” at \$14.294 trillion in the United States Code while the Debt has risen to over \$36 trillion. From a single legislative “mistake” in 2011, all Washington—*four* presidents and the run of eight Congresses, beginning with the 112th Congress, 2011–2012, to the current, the 119th Congress, elected November of 2024, commencing its two-year term January 3, 2025—found itself inescapably sucked into one of the most shocking and destructive national political and financial scandals in the history of the nation. As the public record will show, and as this case proceeds, it will become clear to citizens that it is as if the scandals of Washington of the last four years, the last eight years, the last sixteen years or more, *take your pick*, were but a warm up for the mother of all scandals, the worst of the worst. A dishonest and corrupt, “broken” Public Debt limit, when finally exposed, likely to cause financial markets to buckle, ruin the finances of the nation, and unleash seemingly unending hardships for most Americans.

6. Plaintiff Durbin, the citizen-journalist-activist, has been pushing at members of Congress, including its leaders for the last sixty-one months, beginning January 2020, when Plaintiff walked a letter into the Columbus, Ohio, offices of members of Congress. Since that day,

Plaintiff has repeatedly sought access to the offices on Capitol Hill. Those efforts began in earnest with a trip to Washington, October 2021, and a raft of subsequent mailings to members of Congress.

7. In March 2021, Plaintiff Durbin came to the unsettling realization that he had no choice but to abandon the final editing-for-publication of his ninety-seven percent completed, 800-page book on Congress. There was, *and is*, no way for an unknown, first-time author—without any formal professional credentials, standing, or visibility, with no established, online digital presence, attempting to report one of the greatest, if not the greatest, financial scandals in the history of the nation—to sell more than a few hundred books. Why? Because all of elected Washington, in both political parties, representatives and senators from every part of the nation, everyone in the media, financial media, in the world of finance, securities, securities law, *securities rating*, brokers and dealers in Treasuries, investment funds, mutual funds, hedge funds, and pension funds: everyone had actively or tacitly joined a conspiracy of silence in pursuit of their own financial gain or for the protection of their power and position. All the while the most basic detail of the Public Debt limit of the nation calmly sat in the United States Code, Title 31, Section 3101, clearly stated in Arabic numerals by a specific American dollar amount, the legal limit. A legal limit begun September 24, 1917, with the *Second Liberty Loan Act*. In the code and on the books, legal and continually updated and functioning: for 94 years. The final, legal increase came on February 12, 2010, raising the limit to \$14.294 trillion, *an amount unchanged in the Code since that day*. And then: the law which broke the limit, The Budget Control Act of 2011, also called “Obama-Biden-McConnell,” named for its two, main authors and the president who signed it. And with that bill a conspiracy was born, accepted by every member, aided and abetted by all 1,300 credentialed members of the Congressional Press Galleries, which continues to today. But. In two previous federal court cases, *this Plaintiff* sought to bring *this scandal* to the light of day, bring it to an end so that the nation might begin the long and difficult but necessary public course to put the finances of the nation right.

THE SIX INTERCONNECTED LOCI OF THIS COMPLAINT

First Locus: Congress

8. This scandal, and Plaintiff's subsequent cause of action, begins in and with Congress, its elected members and leaders. Congress wrote and passed the Budget Control Act of 2011 which allowed Treasury to borrow \$2.1 trillion more in Debt, but, owing to the complicated way the law was written and implemented, it failed to raise the Public Debt limit in the US Code, 31 U.S.C. § 3101(b). Whenever leaders and members of Congress discovered their mistake, they could not find the honor and integrity to pay whatever political costs necessary to fix the "broken" Public Debt limit. Plaintiff Durbin, as citizen, author, and journalist, has been pushing his reporting at the leaders and members of Congress to no avail. First, they have not publicly touched the Public Debt limit *to deal with the stated dollar amount* in 31 U.S.C. § 3101(b), of \$14.294 trillion. Second, by their refusal to respond to the correspondence of the Plaintiff, they have effectively "shut him out" from coming onto Capitol Hill or have forced him to show up and take his chances with whatever actions may come, including physical and emotional distress at the hands of the Capitol Police, with subsequent actions by the FBI and the United States Attorney for the District of Columbia, for whatever non-public protocols and rules which they and their agents have refused to disclose to the Plaintiff for which he may now be accused of violating. Third, these inactions by members of Congress and its leaders have had the effect of denying Plaintiff's First Amendment rights of religion, speech, press, assembly and petition, in person, within the Complex, as further protected by the Fourth, Fifth, and Fourteenth Amendments and federal law. These actions have been an illegal, prior restraint of speech, along with a denial of equal protection, as each member of Congress has refused to extend to Plaintiff the common courtesies of access accorded those home-state voters living within the congressional district or state of the member of Congress. Fourth, these actions and inactions by individual members of Congress have created tremendous emotional

distress for the Plaintiff. Five, Plaintiff has been unable to earn a living, not so much as \$20 in sales for his reporting on the greatest scandal of these days, further adding to his emotional distress and personal financial hardship. The concerted, ongoing actions by members and leaders of Congress have denied Plaintiff his First Amendment rights and have prevented him from confronting them in the most public way possible by visiting their offices on Capitol Hill, one office after another; leaving his written speech, his accusatory questions for them, as he categorizes their treachery and deceptions, culminating with his call for a lengthy public process, aired in prime time, for them to answer for this scandal to the nation. To date, for this Plaintiff, the forty-five words of the First Amendment sure look nice and seem to promise much as they calmly sit upon the page. But, in Washington, on Capitol Hill, they count for less than nothing for this citizen. A distressed nation wonders why Congress is so broken. The Plaintiff, citizen-journalist-activist, knows why. But he can't get in to fully press his case directly to those whom he would accuse.

Second Locus: Treasury

9. The president, Treasury, and offices and officers of the administration have engaged in unlawful acts. Following passage of each Public Debt law, it's the responsibility of Treasury to implement the law. Plaintiff contends Treasury had to have known of the defects in the Pub. L. 112-25. Treasury did not honor that law but began playing along on December 31, 2012, when the borrowing allowance, legally granted in Pub. L. 112-25, to sell an additional \$2.1 trillion in new Debt, was exhausted. Then, for every calendar day for the years 2013 through 2024, spilling into 2025, Treasury has sold and serviced illegal Debt and by those actions put at risk every last \$20 of the Public Debt. Because Treasury has never done its duty to the Constitution, to the laws of the nation, operating on behalf of the citizen-owners of this republic, this national financial tragedy has run on, right up to today, *including the 28 days since Plaintiff's original Complaint was filed*. Those failures by Treasury include its false, incomplete, and intentionally misleading reporting on

its operations as it presents the status of the nation's financial accounts. The most prominent, intentional failures by Treasury are its public web pages which do not state the exact limit, in dollars, for the Public Debt of the Nation. Because Treasury has never corrected this illegality and mended its ways, by its acts of misfeasance, malfeasance, and nonfeasance it has denied the Plaintiff those public actions which prove the points behind his reporting. Thus, presidents, secretaries of the Treasury, and other Treasury officials have added to the emotional distress of the Plaintiff while concurrently rendering his ability to earn a living from his reporting impossible.

Third Locus: Reporting Requirements

10. Reporting requirements of the Article I and II branches. It is as basic as it gets. First and foremost, the legal, reasonable, and necessary reporting requirements for “basic best practices” for the honest management for the financial affairs, *which any* business or governmental entity must have, are sitting in the Constitution. Congress is called upon to make “a regular Statement and Account of the Receipts and Expenditures of all public Money [and this] shall be published from time to time.” *See* U.S. Const. art. I, § 9, cl. 7. The oath of office of the president of the United States of America: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.” *See* U.S. Const. art. II, § 1, cl. 8. That charge, those actions required, must include the president serving as a “check and balance” to ensure that Congress, the coequal, Article I branch, has and is faithfully executing its duties, including reporting on the receipts and expenditures of all public money. The president, beside the statement made in the oath of office, has a constitutional duty to “take Care that the Laws be faithfully executed,—”. *See* U.S. Const. art. II, § 3, cl. 1. Beefing up the language of the Constitution and adding needed specificity, numerous federal laws require the ongoing, honest accounting and reporting of the financial condition of the nation and its current accounts, including the full and complete reporting of the

Public Debt. This scandal began on August 2, 2011, with Pub. L. 112-25. At least some, if not all, of the Public Debt of the nation may have become illegal on that day, or beginning December 31, 2012. All subsequent reporting, documents, tables, and public statements of report by members of Congress, presidents, and a host of administration and congressional officials, and Defendants intentionally hid the “broken” Public Debt limit. They hid or misrepresented the facts that the Public Debt limit was “broken,” was no longer legal and function; that some, if not all, of the Public Debt of the nation had become illegal; that some, if not all, of the payments of principal and interest, redemption and reissuance of Treasury securities were illegal. By their acts of misfeasance, malfeasance, and nonfeasance, Plaintiff has suffered, is continuing to suffer, and will suffer into the future great emotional distress over his inability to confront the accused, exercise his constitutional rights, and earn a living from his reporting—which stands in such a stark contrast to *all media reporting* (including *since* January 8, 2025) The false and illegal public reports of Defendants have denied Plaintiff the needed and legally required truths which substantiate much of his reporting.

Fourth Locus: Constitutional Rights of Citizen John Paul Durbin

11. Citizen-journalist-activist John Paul Durbin has devoted 14 years to reviewing and writing about the spending-and-debt games which Congress has played since passage of the landmark Budget Control Act of 1974. The writer's start was easy enough, the early investigative research quickly led to preparations for a book. Eventually, though, came the sad realization that the scandal of the “broken” Public Debt limit was so important to the nation's political players and everyone in the world of finance that a book, even one for sale at Amazon, the world's largest online book retailer, could not “breakthrough” and sell any copies while everyone else was lying-and-hiding this scandal. Fourteen years of work and not \$20 to show for that effort. A basic tenet of law is the right of the accused to confront his accusers. Turn that around, it's the First Amendment rights of a citizen to “speak” to members of Congress whom he might accuse, exercising the five

rights: of Free Exercise of Religion, Freedom of Speech, Press Freedom, Freedom of Assembly, and the Right to Petition Government For a Redress of Grievances. This Plaintiff sought to exercise those rights in Washington, on Capitol Hill, directly to the offices of the members of Congress.

12. Plaintiff, by written letter to Defendant members of Congress, requested written approval for his access to the Complex to visit receptionists of members of Congress for those hours when the Capitol Police proclaim these office buildings of Congress are “open to the public.”

13. Plaintiff sued the four highest-ranking congressional leaders, *Durbin v. Pelosi*, 22-cv-03222-CRC, in Washington, D.C., district court, October 20, 2022. That suit was eventually dismissed. Plaintiff's concerns for his specific access to the Complex—to visit the offices of all of members of Congress if he so chooses, and the honoring of his First Amendment Rights, protected by the Fourth, Fifth, and Fourteenth Amendments—today: remains unanswered and uncertain.

14. Plaintiff is now known by congressional leaders, members of Congress, House and Senate sergeants at arms, and the chief of the Capitol Police, from his actions and written correspondence, as an agitated, forceful, angry (upon the page), disrespectful—at the edge of contemptuous—citizen who has dared to aggressively pursue his constitutional rights. A citizen-journalist-activist, pressing Congress on the greatest financial scandal in a century, a scandal which they have remained united in concealing from the nation, completely successfully up to today.

15. With every piece of correspondence by Plaintiff to members of Congress, Plaintiff has sought to address several complimentary points: (i) the honoring Plaintiff's constitutional rights of access on Capitol Hill, while (ii) defining every last specific which Plaintiff can think of for each detail of access, his actions, and an ability to bring some generous amount of written documents, to insure (iii) that there is a comfortable understand between the parties, by Plaintiff, congressional leaders, and Capitol Police officers, so that there will be no doubt in Plaintiff's mind, no emotional distress, for it will all have been clarified in writing so that (iv) there be no grounds

of dispute, disagreement, contentious words spoken, a misunderstanding in the moment or, worst-case scenario, (v) Plaintiff is detained, arrested, papers and electronic devices seized, (vi) in a “set up,” a “trap” set by members of Congress, by the sergeants at arms, the chief and officers of the Capitol Police, because one citizen foolishly grew tired of his unanswered correspondence and requests and chose to make a second trip to Capitol Hill—to *see what would happen* (to him).

16. As a result of 18 months of dogged efforts to get answers from Defendants, Plaintiff has no trust, Zero Trust, in the members of Congress, its leaders, sergeants at arms, the chief of its police department or for the demeanor and potential actions of every last police officer because they have refused to respond to his correspondence. Any. At all. Every last letter and request.

17. The effects of *their lack of response* = prior restraint. Denial of Plaintiff's First Amendment Rights. No due process, no equal protection; *how clever to do that by their silence!*

18. Plaintiff is “the” expert on the spending-and-debt games of Congress played over the last half century. That includes the last 28-straight years of spending coming in late (by an average of 116 days), with the always-rushed final passage with no notice to members or to the nation. Then there's the “broken” Public Debt limit over the last 13 years. Plaintiff's unpublished 800-page book, *The Durbin Report*, chronicles the deceit of Congress far better than all of the media's reporting of the last decade—*combined*—for they have only, ever, served up lies. A “broken” Public Debt limit, *never legally raised*, though no one in the country knows that owing to dishonest reporting by the nation's media, including credentialed members of the Congressional Press Galleries. A book, a book, which Plaintiff could never successfully sell while all Washington, including these Defendants, are engaged in an ongoing cover up of the nation's “broken” Public Debt limit.

19. Plaintiff is owed, by each individual member of Congress, at a bare minimum, a First Amendment Press right, including the allowance and approval for the simple act of the citizen-journalist to visit their receptionist's office during “normal business hours” when the Complex is

“open to the public.” While citizens should have their rights of religion, speech, assembly, and petition honored by members of Congress at their offices in the Complex, the citizen-journalist has an important, constitutionally protected right which cannot legally be denied, or one which must at least be answered for as members respond to specific requests from citizen-journalists. Yet, if only one or two members of Congress “honor” that “press right,” that might not be worth the paper it was written on by virtue of the actions and decisions by other congressional officers, sergeants at arms, the chief and members of the Capitol Police. Plaintiff has been stuck in limbo, experiencing great emotional distress, including the inability to earn a living, because one written request after another to members and officers of Congress, asking that they honor his five First Amendment constitutional, including specifics of his access to the Complex, have forever gone unanswered.

**Fifth Locus: Formal Press Rights of John Paul Durbin
a citizen-activist who is a professional journalist**

20. Plaintiff, by specific written request of application, asked Defendant officers of Congress for a formal press credential, July 1, 2024. Plaintiff made a series of reasonable requests for his access as a professional journalist. In that application, Plaintiff asserted his professional reporting credentials, detailing the spending-and-debt games of Congress in recent years, including the “broken” Public Debt limit and the always-late, always-rushed-to-passage annual spending. The specific details of the nation's rapidly deteriorating financial health are ones which the 1,300-plus credentialed members of the Congressional Press Galleries, all of their editors, and all of those media managers and owners have hidden from the nation. The nation believes there's a stated, legal limit for the Public Debt. There is, but it's \$14.294 trillion, while Treasury reports the nation's outstanding Debt at \$36.170 trillion, on January 2, 2025. That latter figure is a dollar amount which Treasury, Congress, and everyone in the world of political media, financial media, finance, money management and investing wishes to “pretend” is “the” real, legal limit. *Which it's not!*

21. Without the power and force of courts protecting his First Amendment rights, this citizen has not found the reasonable, easy, orderly and safe passage for his needed visits to see those whom he would accuse on Capitol Hill. Access *which would be his* as a credentialed member of the press. This author, writer, and ordinary citizen has chosen to claim status as a professional journalist and will gladly join the fray under color of that banner in the advancement of his cause, to see his rights honored by whichever course will yet yield success for his access into and throughout the Complex during “normal business hours” when those building are “open to the public.”

22. Plaintiff calls upon the Court to find (i) a First Amendment press right for professional journalists exists beyond and outside the current arrangements between Congress and the Congressional Press Galleries. (ii) Plaintiff will demonstrate to the Court a prima facie case for his status as a professional journalist, providing more than enough evidence necessary for a summary judgment, as no genuine issue of material fact will remain unspoken for his standing to be acknowledged and stated in law. (iii) The current practices of Congress for press accreditation are insufficient to accommodate this Plaintiff, (iv) Congress may not, may never, confer the accreditation process for “other professional journalists” to the Congressional Press Galleries, as that (v) would and does violate due process and equal protection, giving one “class” of journalists accreditation power over a “different kind of professional journalist,” a citizen-journalist-activist, who would, in fact and by practice, be both a competitor and a journalist whose professional reporting style, viewpoint, journalistic ethics, employment and compensation would be so radically different from theirs. (vi) In the absence of an existing process for the accreditation of such journalists, and (vii) having failed to respond to the Plaintiff in a timely and forthcoming manner, (viii) the Court shall find that the speaker of the House and the Senate Rules and Administration Committee have violated Plaintiff's First Amendment press rights (Fourth, Fifth, Fourteenth) and (ix) must, forthwith, award him a press credential, (x) to include the photo I.D. badge-on-a-lanyard worn by everybody else.

Sixth Locus: Our First Amendment must allow, respect, and grant standing to citizen-journalists and non-traditional reporters. Otherwise . . .

23. Plaintiff began his fourteen-year-long journey as a disgruntled citizen wondering why Congress and presidents had become so dysfunctional, why they can never seem to find, haven't, any common ground for the greatest challenges facing the nation. Why are they constantly at a state of almost total war with one another, why is nothing of substance ever fully and fairly addressed by them; why has the nation become stuck with all of this, *trapped in their cycle* of unending political games while one election after another merely shifts the balance of power between these two, entrenched political crime families who have always put themselves and their careers ahead of everything else. Perhaps what's needed is a public process, one which marshals a nation of faithful, industrious, caring and concerned citizens, inviting them into the process to listen, to learn, *to help*, to bring their common voices, their enduring, ordinary and decent moral values; perhaps, with their attentive and active participation—even as spectators, but ones called upon to have an informed opinion—citizens who can, *who will* finally choose to rise-and-speak and let their legislators know what they, *the people*, want done. Perhaps it's been that *we, the people*, have been the missing ingredient in Washington *for at least* half a century; Watergate, you know; leave it to the pros *to know*, to tell the stories, to tell us what to think, what's important; leave it to their wise counsel to stoke the fires of public concern for topics *they choose* from their perch close to scene of action, informed by their intelligence and their glorious-and-noble moral code (if only it were so) for what's in the best interest of the public; for: Where would we be without them, a constitutionally protected free press? Why, the politicians might get away with murder (say, of the nation's finances).

24. No nation, no republic, no constitutional form of government can and will survive without a free press; a free press that's truly independent, honestly and aggressive, doggedly pursuing the stories of government wrongdoing and corruption. Citizens are too busy with the

cares, concerns, and toil of their daily lives; citizen don't have the expertise or the time required to study law, politics, governance, the legislative process, how laws are made, let alone understand the world of high finance, spending, deficits, interest rates, trade imbalances and tariffs, inflation, the growth of the money supply—and the interest in and faith of investors in the Public Debt of the nation. Few Americans live close to Washington so it falls to trusting citizens, hopefully savvy media consumers—able to distinguish, or guess, between honest reporters and their stories versus the liars, frauds, and political partisan hacks who call themselves “journalists” whom no one with any sense should listen to, read, or believe. Citizens need to be informed, better informed, for it is citizens, the collective, which serves as the final vote, the place where the buck stops (or is it, where it comes from); if citizens cannot or refuse to keep their government honest, it ain't gettin' done! And it didn't—government, Congress, spending, an unending rise of the Public Debt—none of this has even been reined in or even threatened by citizens, by their informed anger: because there are no honest, independent journalists in the Congressional Press Galleries, credentialed by their restrictive guild, a regimented formal process which plays on with the full endorsement and blessing of these designated congressional officers Defendants. It's a closed, incestuous system of like-minded folks, interested in the business of Washington *their way, only their way*, all the time.

25. Once Plaintiff began to look deeper into the true nature of broken Washington, he was tugged by reason and heart to do something of substance: write a book. But soon it became apparent that it could not be just any book, merely another catalog of the offences of these accused. No, it needed to bring so much more—a plan; specific proposals—to blow their criminal enterprise to smithereens by a public process which seeks, *demands*, that Congress follow the laws for the passage of the annual spending: pass those twelve spending bills on time, by regular order; and if they can't get it done *the easy way*, then move them (and the nation) on to another process, forcing them to comfortably finish by September 19, 2025: eleven days before the September 30 due date.

26. Here's the thing. Plaintiff never set out to do anything other than report on the broken system in Washington; a dishonest and corrupt Congress which no president ever used his office, force, constitutional role, or the bully pulpit to make them follow the law they passed half a century ago for passage of the annual spending. Plaintiff's reporting led to one, inescapable conclusion: everyone in Congress and each administration was *in, on the games*; all of the games, which eventually came to Public Debt limit: *which somehow broke itself*. Their games became their lies and a cover up, ten-more dishonest-Debt-events-strong, February 2013 through June 2023.

27. But wait. It can't be that there had been this vast conspiracy in Congress which the credentialed media—those “self-policing,” self-anointed, “professional journalists” of the restrictive press guild, the Congressional Press Galleries; they're there, in the halls of Congress every day; all that free-and-easy access, and they—didn't know about it. When Plaintiff began his research, perhaps it was 2014, the Public Debt limit had already been broken for over two years; three-more false Debt events had transpired. Plaintiff would not discover that the Public Debt limit had been “broken” until a few more years down the road. But then, Plaintiff was paying some slight attention to media reports, one Debt event at a time. You'll never guess what the press kept saying, for each Debt event: they, Congress, *were raising*, or they *were going to raise*—the Public Debt limit. The verb the press used was *raise*, because, of course, that's what had gone on for 94 years up to and including the last, honest increase, February 12, 2010; how could they suddenly use other words which might let slip a little too much truth: a Public Debt limit *that wasn't*, or was “broken,” with some-or-all of the Public Debt of the nation now illegal. A side note: too much of the work product of this dishonest press (all of it, all content producers) lives in a digital world—*under their control*. Is there any chance they'll scrub, alter, delete a little of their past reporting on the Public Debt limit: some of it, much of it, or all of their past reporting—which will now show what intentional liars they had been . . . all along? These media organs are going to have to “sanitize” their record, hide all of their past “disinformation,”

“misinformation,” their lies, outright lies, the lies they pedaled to their customers. 'Cause otherwise, far too many of their best customers will realize *that they'd been “had,”* been lied to for all those years, by all those false reports. Did those lies matter? You bet they did because it's brought all of us to this dramatic, nation-shaking, crippling financial crisis which has now arrived, full force until completely spent. The credibility for much of this media was already in tatters; soon, *right now*, it's the smoldering *Pacific Palisades Media*, now burnt to an ashen crisp. *They were there*, in Washington, in Congress, on the scene, and they all knew exactly what was going on. But never said a peep.

28. How strange. A first-time author on a quest to write a book. Forced to become an angry citizen-activist, but that wasn't enough. Had to become a citizen-journalist-activist. Hah; that self-proclaimed title gets you nothing. You have to make that real, manifest; you have to force your way in, if that's the way you choose or what's absolutely required, to tell *this story*, to force the accused in the Congress of the United States of America to answer for their crimes, to submit themselves to the bar of justice and stand before the nation and answer for what they've done.

29. But. This Plaintiff can't get in. In Washington. In the office buildings of Congress. Can't get anyone to say anything of consequence for his admission, on the telephone. Can't get any written responses, either, from anyone, even at the threat of legal action in federal court.

30. There is something stuck in the craw of this Plaintiff. *This*. A single First Amendment right has been pulled out from those five fast friends and set aside; it's been commingled with holy oil and used to anoint those who will be given special seats in the banquet hall. “Professional journalists.” Given, not a little more by way of rights, but given ten times more, twenty times more, \$36 trillion dollars more: of access and privileges—than what ordinary citizens may have. So, by their clever rules, this Plaintiff isn't up to snuff; he's got no “professional resume”; isn't employed, that we or he can prove, in “the business.” Why does he need to be in the buildings “on a daily basis,” *like we do*; he doesn't, and we won't let him in [the club] and that's the end of it!

31. Here's what's before this Court. Plaintiff contends that this is perhaps one of the greatest constitutional crisis in the history of the nation; certainly, the worst abuse of the public trust by two colluding branches of government—in *our lifetimes*! But that's not all, for that comes with the greatest financial crisis—maybe, we'll soon see (the Plaintiff thinks so)—when financial markets are finally forced to act on a public appropriation process which will never again juice the economy with out-of-control, runaway spending by a Congress facing no constraints other than those slight few within its ranks (*I'll spend more for your stuff if you'll spend more for mine*).

32. How did it happen, how did we get here. Collusion between all the elites of the nation. In Congress. In each administration. *In all media*. Finance, securities law, the three prominent financial ratings agencies; might as well add everyone else in the world of finance: Were you all that asleep, that disconnected, that dramatically not-in-the-know— about the “broken” Public Debt limit?

33. If all of the media, credentialed, happy, well-fed, nicely attired, in the buildings, well-known by members: if they're all guilty—how could they not be—then we have no idea who-or-what an honest journalist is . . . or there should be *no nothing*, extra, special—by way of rights, privileges, or access—for any card-carrying union journalist, members of the restrictive guild: because they are all liars, cheats, and frauds (making them indistinguishable from all the politicians, other than we only vote for journalists with our time-and-attention, not at the polls; we can't vote out or deny press credentials for The New York Times, The Washington Post, The Wall Street Journal, NBC, ABC, CBS, Fox, PBS and NPR, Politico, Roll Call, The Hill, Axios, Punchbowl News, The Dispatch, The Daily Mail, The Guardian, The Times (of London), The Financial Times, or The Telegraph.

34. The first draft title of this locus was: “*Professional Journalism*” died when 1,300 credentialed congressional reporters chose to hide this scandal from the nation. Plaintiff cannot, will not hide the ugly truth which he sees in *what* occurred. A truth about *the media* which, before the details of this suit, no court or jurist had seen, said, or, likely, ever come close to saying: we have no

idea who-or-what a professional journalist is, how they work, what they do, who's responsible for them and their reporting, and, ultimately, seeing that *the truth* is put before their customers and the nation. Before *this suit* that's a sentence which would have been dismissed out-of-hand. But, in this case, with these unpleasant facts, with what the members of this restrictive guild *didn't report* for thirteen and a half years: they may call themselves “professionals” and the leaders and members of Congress may sure like their style of reporting, but haven't had an honest, stable, functioning republic—and won't, much longer—if *they're “the” standard* for who's entitled to a formal credential by Congress (or the courts). In the years since *Sullivan* the media has had the best insurance money can buy: protection from the courts; they can fill the daily trough of fodder with all manner of shoddy journalism because courts have said they have that right, a wide muddy-river-of-allowance to get a whole helluva lot of their facts wrong as long as they say in court: “oh, gee, we're sorry; we failed ourselves and our high standards, but we sure didn't mean any harm (or malice)”.

35. Those 1,300 so-called “professional journalists” are not on trial before this Court, *not exactly*; nor that they enjoy, *as they should(?)*, constitutional protections for their reporting; though, to be honest, *their legal right* to get so much so wrong for so long—brought us to this place.

36. There has to be, and perhaps it begins with this case, a serious, closely focused reappraisal of who-and-what a professional journalist is, what they look like, and how they work; *how and when they choose to use their work product*. No Court *should ever* judge a journalist—may we say “a person” who needs “special” protections for their First Amendment “press right”—by who they work for, how they work, how-and-when they do something with their work. Look no further than the facts before this Court. 1,300 “professional journalists” conspired with Congress, hid the truth from their customers and the nation, and a single would-be book author came to understand that he was a journalist, needed to be one, needed to be on the scene on Capitol Hill—and must have the reasonable and ordinary access like everybody else there.

37. This Plaintiff is “the” expert on the spending-and-debt games of Congress. This Plaintiff’s reporting spills more truth for the last fifty years, the last twenty-eight years, the last sixteen years, the last thirteen-and-a-half years: than all of the “professional journalists” work products—combined! That’s: all of them!! If this citizen-journalist-activist *isn’t* a “professional journalist,” pressman, then either: there are no *professional journalists*, or *there are no honest professional journalists* in that restrictive guild, 1,300 strong, (or the rest of the business, for that matter), or those two words have no real meaning anymore. But wait. Let’s be clear about a few things. It will be the easiest thing in the world to brand with a scarlet letter, *L* for *liar*, all 1,300 strong, in the restrictive guild. *It wasn’t only them!* Layer upon layer of editors whose names we probably don’t know, who will now work to conceal their identity, their hand, their contributory role in selling those lies, one week at a time, one false Public Debt limit event at a time. They knew. They all knew. They stood in the middle, between reporters willing to keep reporting lies and half-truths, and media managers and owners, all the way up to the highest suites: they all wanted the Washington lies kept on ice, away from prying eyes; *we know, and that’s enough*; besides: both teams in Congress decided to play this way; it’s not our place . . . blah blah blah. Second: it wasn’t merely print reporters and the online, specialty political-media shops which cover Congress who failed. It’s all of the famous names in *journalism*; the networks, the largest papers. They all knew. They’ll never admit that. Now, everyone, somehow, will try to sell the story that a sixty-nine-years-old rookie congressional reporter “scooped” everyone else on the biggest scandal in years. Go tell that one to your dull customers. Enough of this!

38. The First Amendment. Five coequal rights. One right, pulled out and given special treatment for a few. Hear this call. Read these words. Tell us whether this Plaintiff, as citizen, as citizen-journalist, as a professional pressman, has every right, as much as anyone there: for the credential and standing to be there. But, too: that same “press” right—simply as citizen-journalist.

JURISDICTION AND VENUE

39. This Court has jurisdiction over this action under 28 U.S.C. § 1331, as the claims arise under the Constitution and the laws of the United States, specifically implicating each of the five First Amendments rights, individually, of the free exercise of religion, freedom of speech, the press right of an individual citizen, a separate press right of a professional, unaffiliated reporter, the freedom of assembly, and the right to petition the government for a redress of grievances. In addition, this action is over each of the 26 possible combinations of two-or-more of those First Amendment rights. Jurisdiction is also invoked under 28 U.S.C. § 1343. Further, this action arises under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb.

40. This Court has the authority to grant declaratory judgment and order injunctive relief under 28 U.S.C. §§ 2201, 2202 and 5 U.S.C. §§ 702-706.

41. Venue is proper in this District under 28 U.S.C. § 1391(e)(1)(C) because Plaintiff resides in this judicial district.

PARTIES

42. Plaintiff John Paul Durbin is a resident of the State of Ohio, a citizen-journalist-activist who has spent the last fourteen years researching and writing a book on the spending-and-debt games played by Congress. The culmination of that project was the production of an 800-page manuscript. Alas, since this book reports on the worst financial scandal in the 237-year history of this republic, a scandal still being hidden by Defendants, it is an impossible-to-sell book until this scandal “breaks” onto the public stage. The manuscript was put on hold thirty-five months ago. The book-author Plaintiff became an independent, unaffiliated, crusading journalist-advocate, fighting for his necessary First Amendment rights so that he can fully report this story. That includes gaining access to the seven Congressional Office Buildings on Capitol Hill: first, as

a citizen; second, as a citizen-journalist; third, receiving the formal credential by the appropriate congressional officers as they recognize his status as a professional journalist covering Congress; though, fourth: *not* as a member of the existing Congressional Press Galleries. As this Amended Complaint is filed, it marks the sixty-first month this citizen-journalist-activist, author, now reporter, has pushed at the leaders and members of Congress to answer for the “broken” Public Debt limit. Plaintiff is advocating for honest, transparent, orderly, calm, deliberative, and accountable: public government, by Congress. As a person of faith, John Paul Durbin is called by God to be a servant-leader as he champions the cause of honest and accountable public government by Congress, especially as it completes its most important and consequential annual task, passage of the “budget,” the annual spending which funds the Government of the nation. Coinciding with its duty to pass spending, Congress must attend to the legal status of the Public Debt, 31 U.S.C. § 3101. As a person of faith, John Paul Durbin is asking for honest and forthright servant-leadership by the members of Congress which will be absolutely crucial for the nation as this scandal “breaks.”

43. Defendants are sued in their official capacities. Some Defendants have control and authority over the selling and redemption of the Public Debt of the nation: Treasury bills, notes, and bonds. Some Defendants have control and authority over the reporting of the finances of the nation, including the past and current status of all Treasury Debt of the United States. Some Defendants have the control and authority over access to their congressional offices, bearing a responsibility to honor the First Amendment rights of this citizen as he requests access to their Capitol Hill offices. Some Defendants have the control, authority, and responsibility for considering and ruling on applications to them for a formal press credential for reporting on the Congress of these United States of America, which includes their responsibility to honor a First Amendment press right, granted directly by them, to a professional journalist-applicant when no other legal remedy is possible, owing to the unique status of this independent journalist applicant.

44. Defendant Joseph Biden is the 46th President of the United States.
45. Defendant Janet Yellen is the 78th Secretary of the Treasury of the United States.
46. Defendant Donald Trump is the 47th President of the United States.
47. Defendant Scott Bessent is the 79th Secretary of the Treasury of the United States.
48. Defendant Mike Johnson is Speaker of the House of Representatives.
49. Defendant John Thune is Majority Leader of the United States Senate.
50. Defendant Chuck Schumer is Minority Leader of the United States Senate.
51. Defendant Hakeem Jeffries is Minority Leader of the House of Representatives.
52. Defendants Amy Klobuchar and Deb Fischer were co-chairs of the Senate Committee on Rules and Administration for the 118th Congress, 2023–2024.

53. The following Defendants, “et. al.” on the Amended Complaint, page 1, are listed on Attachment 1 to the Amended Complaint.

54. The United States Capitol Police Board (the “Board”) is sued as the oversight body of the United States Capitol Hill Office Complex (the “Complex”), for its responsibility for the policies and procedures of the United States Capitol Police, including the public statements on the web pages of the Capitol Police for public access into and throughout the Complex. The Board coordinates between the United States Capitol Police, the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of Senate, in the publicly disclosed and non-public law enforcement policies and procedures for the Complex, and for the daily policing and administration of public access into and throughout the Complex, as implemented by the Capitol Hill Police Department.

55. The Sergeant at Arms of the House, William McFarland, is sued in his Official Capacity as the Sergeant at Arms of the United States House of Representatives and in his Official Capacity as Member of the Board.

56. The Sergeant at Arms of the Senate, Jennifer A. Hemingway, is sued in her Official Capacity as the Sergeant-at-Arms and Doorkeeper of the United States Senate and in her Official Capacity as a Member of the Board.

57. The Architect of the Capitol, Thomas E. Austin, is sued in his Official Capacity as the Architect of the Capitol and in his Official Capacity as a Member of the Board.

58. The Chief of the Capitol Police, J. Thomas Manger, is sued in his Official Capacity as the Chief of the Capitol Police and in his Official Capacity as Ex-Officio Member of the Board.

59. Defendant Russ Vought, incoming Director of the Office of Management and Budget.

60. Defendant Shalanda Young was Director of the Office of Management and Budget.

61. Defendant Timothy Gribben is the Commissioner of Bureau of the Fiscal Service.

62. Defendant Phillip W. Swagel is Director of the Congressional Budget Office.

63. Defendant Karen Donfried is Director of the Congressional Research Service.

64. The Senate Rules and Administration Committee is sued in its Official Capacity as the Senate committee charged, under the rules of the Senate, with final approval or denial of press credentials for professional pressmen covering the United States Senate.

65. Defendants Mitch McConnell and Alex Padilla are co-chairs of the Senate Rules and Administration Committee for the 119th Congress. Defendants Ted Cruz, Shelley Moore Capito, Roger Wicker, Cindy Hyde-Smith, Bill Hagerty, Katie Britt, John Boozman, Peter Welch, Mark Warner, Angus King, Michael Bennet, Jon Ossoff, and Jeff Merkley have or are currently serving on this committee.

66. Defendants Dick Durbin and John Cornyn are senators in leadership positions.

67. Defendants Tammy Baldwin, Rich Scott, Josh Hawley, Tim Kaine, Jackie Rosen, Bernie Sanders, Elizabeth Warren, Adam Schiff, Elissa Slotkin, Ruben Gallego, Lisa Blunt Rochester, Jim Banks, and Andy Kim are United States senators.

68. Defendants Chris Murphy, Martin Heinrich, Kevin Cramer, Pete Ricketts, Sheldon Whitehouse, Charles Grassley, Patty Murray, Mike Crapo, John Barrasso, Mazie Hirono, Kirsten Gillibrand, Marsha Blackburn, and Maria Cantwell are United States senators.

69. Defendants Andy Biggs, Lauren Boebert, Josh Brecheen, Michael Cloud, Andrew Clyde, Eli Crane, Byron Donalds, Paul Gosar, Andy Harris, Anna Paulina Luna, Mary Miller, Ralph Norman, Andy Ogles, Scott Perry, Chip Roy, Keith Self, James Comer, Warren Davidson, Tom Emmer, Richard Hudson, Thomas Massie, Tom McClintock, Gary Palmer, David Rouzer, Jason Smith, Bruce Westerman, Victoria Spartz, Nancy Mace, Tom Suozzi, and Ryan Zinke are members of the House of Representatives of the Congress of the United States.

70. Defendants Gabe Vasquez, Jahana Hayes, Jared Golden, Josh Harder, Kim Schrier, Mike Levin, Susie Lee, Andrea Salinas, Marie Gluesenkamp Perez, Zach Nunn, Mike Lawler, David Schweikert, Val Hoyle, Brandon Williams, Pat Ryan, Juan Ciscomani, Angie Craig, Don Bacon, Thomas Kean Jr., David Valadao, Alexandria Ocasio-Cortez, Rashida Tlaib, Ilham Omar, Ayanna Pressley, Steve Scalise, Katherine Clark, Pete Augilar, Nancy Pelosi, Steny Hoyer, James Clyburn are members of the House of Representatives of the United States Congress.

71. Defendant John Curtis is a United States senator.

STATEMENT OF FACTS

There are two parts to broken Washington: Spending, and Debt. Consider the Budget Control Act of 1974

72. This case centers on the “broken” Public Debt limit and Plaintiff’s First Amendment rights in service of his advocacy and reporting on this scandal. But there’s another, complimentary series of crimes which walked hand-in-hand with the corrupt games played on the Public Debt limit. The requirements under the landmark Budget Control Act of 1974 for passage of the annual spending. Fifty years ago, they had a plan. The spending process was going to be so much better. They promised.

73. But: they lied. One Congress after another has made a mockery of 2 U.S.C. § 621: Congressional declaration of purpose, which serves as its public explanation for changes in law in the landmark Budget Control Act of 1974. The text of Section 621, in its entirety:

The Congress declares that it is essential—

- (1) to assure effective congressional control over the budgetary process;
- (2) to provide for the congressional determination each year of the appropriate level of Federal revenues and expenditures;
- (3) to provide a system of impoundment control;
- (4) to establish national budget priorities; and
- (5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

74. One Congress after another has made a mockery of 2 U.S.C. § 622: Continuing study of additional budget reform proposals. In recent years Congress hasn't even bothered to pass a budget though it has that opportunity sitting on the shelf for when one party controls both chambers to pass substantive spending under budget reconciliation avoiding the 60-vote Senate filibuster threshold.

75. The Congressional Budget timetable has become the ultimate self-own for an out-of-control, irresponsible Congress working to *subvert* a reasonable and orderly appropriation process so that they can destroy regular order, obliterate any public consideration in Congress, by members, in public, one vote at a time, for the tough spending choices needed. But this is an insatiable nation which can't get enough government, but whose citizens and members of Congress—with the willing help of every president—DON'T WANT TO HAVE TO PAY FOR WHAT THEY GET!

76. What was that? The members of Congress don't want to be responsible for: anything. Not for how much they spend. They don't want to be responsible for the ever-rising Debt—which comes from their secret spending deals which are always rushed to a hasty end. They wrote the deal they wanted fifty years ago and then laid down the most gawd-awful record: you don't know.

77. Here's their great-grand promise, in 2 U.S.C. § 631 Timetable:

<u>On or before:</u>	<u>Action to be completed:</u>
First Monday in February	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports concurrent resolution on the budget.
April 15 (required by 2 U.S.C. § 632)	Congress completes action on concurrent resolution on the budget.
May 15	Annual appropriation bills may be considered in the House.
June 10 (required by 2 U.S.C. § 638)	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.

78. The 2 U.S.C. § 631 Timetable has become the road map for one missed deadline after another, year after year, for the 1974 Budget Act. For all of those “promises” to the nation in this timetable, Plaintiff finds only three sections in the United States Code which put any “teeth” into this *mostly empty pledge*: for the legal, honest, responsible, orderly, and public process for Congress to consider and pass annual spending. Let that sentence sink in for a minute. Three mileposts in the United States Code for the passage of the annual spending. But these three don't include any requirement for passage of annual spending by the full House for the final bill; no requirement that these spending bills be passed by regular order (can you believe that); no statutory ability for the House to put pressure on the Senate to act upon House-passed spending bills; of course *the House could do that*—but never has. While there's the requirement for the House Appropriations Committee to report the individual annual spending bills (which now number 12) by June 10, that's

become a deadline it never meets. Then the full House is free to pass as many or as few of those bills as it chooses, free to engage in any willy-nilly combination of those 12 as it likes (wait until you pay attention to these details; it's been a kind of butchery; oh: sausage making as they say). And the Senate has no deadline pressure to pass anything, ever, other than a single, troublesome deadline—which they refuse to honor: no bills are in order, in the Senate, if they haven't passed a concurrent Budget Resolution for the coming fiscal year.

79. The Budget Control Act of 1974 became fully effective September 30, 1976, with the passage of Fiscal Year 1977, which began October 1, 1976 (running through September 30, 1977). For the first 21 years, four years were passed on time: FY 1977, FY1989, FY1995, and FY1997. That's 17 years late, with an average of 75 days late, getting it done by December 14 each year, into the already begun fiscal year; that's bad management and the exact opposites of *first principles* and best practice. So, the last time the annual spending was passed on time: Bill Clinton was president and Newt Gingrich was speaker of the House, September 30, 1997. Bet you didn't know . . .

80. Over the last 28 years: Congress intentionally blew away any-and-all accountability for what it spends, by missing its annual September 30 deadline. Once they miss that date, it's Katie-bar-the-door. Their negotiations become secret, get done behind closed doors by mysterious figures called appropriators; they meet when they want, say what they want; they have no schedule, no public face, no-nothing; it's what the leaders in Congress want; it's what all of the members of Congress support—except for the ones who talk a lot about this subject and the crazy process, *but gosh darn*, those whiners in Congress just can't ever seem to make any headway against everybody else; but: reelect me and I'll try harder in my next term; it's worked for 'em: every time!

81. For the last 28 years the spending has averaged being late: 116 days; that's getting it done by January 24 (if my calendar math is right); but Fiscal Year 2025 is still “open,” it's still late; as of the date of this Amended Complaint filing, February 5, 2025 . . . they've beaten their average.

Over these 28 years, the days-late total now sits at 3,264—and counting. Along the way, they passed 135 excuses. You voted for cheaters, excuse-makers, and you’ve let them get away with all of it. Of course, what you didn’t know was that the media you liked and trusted: never told you the annual spending was never getting done on time. So that they could do their secret, backroom deals.

82. The people who’ve been cheating forever, on spending, are the people who “broke” the Public Debt limit. (Let’s have this out in Court; sorry, your honor, these were the last words added and I couldn’t contain myself. But: those I use too much sarcasm, I’m not playing around with any of this. They have been. And will)

83. We can’t leave this issue without one final point. This is as pathetic as it gets. In 1982, the 97th Congress—Tip O’Neill, from Massachusetts, was speaker of the House, Senate Majority Leader Howard Baker of Tennessee, Senate Minority Leader Robert Byrd of West Virginia, and House Minority Leader Bob Michel—gave the nation a Balanced Budget Law. Go see it for yourself. 2 U.S.C. §1103. Budget ceiling: *Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year.* That’s called: a Balanced Budget. No more Debt. No more rising Debt. Damn—we’re 41 years past that point; wait a minute, we did have those four years of the Clinton presidency, but that was too little, too long ago. But: at least they meant well. Besides: they “reaffirmed” it!

The history of the Public Debt: 1917 – 2011

84. The legal standing of the Public Debt of the United States, in 2025, had its humble beginning as the Second Liberty Loan Act, of September 24, 1917.

85. The United States of America was a reluctant combatant and late entrant into World War I, finally declaring war on Germany on April 6, 1917. On April 24, 1917, the nation authorized the sale of war bonds to help finance the war, with the First Liberty Loan Act of 1917, which authorized \$5 billion in Debt. On September 24, 1917, the 65th Congress and President Wilson

approved the Second Liberty Loan Act, providing for an additional \$7.5 billion in Debt. Those laws, for the Liberty Loan Acts of 1917 all stated the *exact dollar amount for the total Debt allowed*, serving as what we call today: the Public Debt limit. Those war bonds from 1917 were never fully paid off. But this section of the United States Code had a staying power which no one in 1917 would have ever guessed. This addition to the law of the land, to sell bonds to finance World War I, became the legal method to borrow in the run up to World War II. In 1935, the authorization for the First and Second Liberty Loan Acts of 1917 were increased, for the first time, from their original amounts to a combined total of \$35 billion. In 1938, another boost pushed the total to \$45 billion. At its height during World War II, April 3, 1945, a \$40 billion increase set the Public Debt limit to \$300 billion. That legal limit was reduced to \$275 billion, June 26, 1946, not yet one year after World War II ended. The Public Debt of the nation, begun to fund one war, used to fight the second, *would never* be substantially retired, *or lowered*, after this 1946 event.

86. The Office of Management and Budget (OMB), on behalf of the Article I executive, the president of the United States, tracks and reports on the finances of the nation. It reports on the Public Debt. *See* Ex. 2 – OMB Table 7.3 – Statutory Limits on Federal Debt: 1940 – Current.

87. Congress and presidents have found it easy to spend, and overspend, but they've lacked the commensurate ability to speak the truth about their spending-and-debt games to the American people. The ugly reality is that they're going to overspend while hoping the public doesn't know or understand that or isn't paying any attention to the effects of their unrestrained spending, which is always adding ever more Debt. The problem for them, ever since 1917, *has been that there has always been that stated* legal limit for the amount of Public Debt allowed. Or, as our story began, the original limit on the amount of war bonds to be sold. That's for a war over a century ago.

88. Here are where the Debt Games begin.

89. Debt Games: Round 1.

90. *Their version* of OMB Table 7.3, line 11 (8th Debt event, owing to the title lines), of August 28, 1954, President Eisenhower and the 83rd Congress chose to not boost the fully-stated limit of \$275 billion, but allow for a “temporary increase” of \$6 billion, for a period of 10 months. Since that date, Congress and presidents have played a back-and-forth game between boosting the fully stated (1917 Liberty Loan) limit and/or boosting that total with some amount of a “temporary increase.” Let me repeat, or use other words to explain what we have here. The Second Liberty Loan Act was passed, September 24, 1917, to fund World War I. It’s still around in 1954; it was used to fund World War II, from its peak at \$300 billion (authorized) it was lowered to \$275 billion.

91. It’s never going away. They will now, almost never *play it straight*. So, *for the very first time*, they say: let’s do a temporary increase. Ten months: Are you kidding me? And guess what’s going to happen when those ten months are done? Let’s do it for another year; why not! Wait! My sarcasm was unwarranted; over the next-two years, two more Debt events, the limit went to \$278, and then back to \$275 billion. Last time, everybody: they ever lowered the allowable amount of the Public Debt; I guess they must have “paid it down.” Last time!

92. From 1958 to 1971, they’ll play. They will boost the original Liberty Loan amount, from \$275 billion to \$285 to \$358 to \$365 billion . . . wait, wait, wait, wait, wait! The underlying Liberty Loan amount, which they are boosting, is classified as: permanent; the law is the law, and there’s no expiration date to it. They keep boosting that at the same time they keep “pretending” that they’re serious about all of this, they sort of know that they’re spending is more than it should be, but, what-the-heck, you’ve voted for them and they think you like them well enough: so they spend, and spend way too much. Come on, America: it’s this dishonesty which way playing out before the nation. It wasn’t hidden, or maybe you’ll say that it was. Elections, every two years. New presidents, new leaders in Congress. “We’re only increasing the Debt, *temporarily*.” Hah! Not true; never.

93. Debt Games: Round 2.

94. OMB Table 7.3, line 40 (37th Debt event) of March 17, 1971, saw President Nixon and the 92nd Congress make the final boost of the “permanent” (1917 Liberty Loan) limit, to \$400 billion. That law had a sidecar, adding a \$30 billion “temporary increase,” to end on June 30, 1972.

95. You’re not going to believe what they will do over the next eleven years. WHILE the “original” “permanent” World War I Liberty Loan Act is now-forever-pegged at \$400 billion, they, the Congress, presidents Nixon, Ford, Carter, and Reagan: they’ve got a country to run. So the temporary amount grows and grows and grows and grows; \$50 billion, \$95 billion, \$131 billion, more and more, \$479 billion, \$599.8 billion, and I guess they got embarrassed as it hit its peak at \$890.2 billion—more than TWICE the underlying, permanent Liberty Loan \$400 billion!!! Can you do the math? How about the broken ethics of politicians: members of Congress and presidents.

96. OMB Table 7.3, line 71 (68th Debt event), of September 30, 1982, was the final Debt event which had two components, the “fully-stated” limit (continuation of the 1917 Second Liberty Loan Act), which has been “stuck” at \$400 billion (since March 17, 1971) while the “temporary increase” had ballooned to \$890.2 billion, for a total limit for the Public Debt, of \$1,290.2 billion.

97. Alright. They’ve had enough. This scam is played out and embarrassing. Now what?

98. Debt Games: Round 3.

99. OMB Table 7.3, line 72 (69th Debt event) of May 26, 1983, eliminated the false distinction of two categories of Debt, now calling all of the nation's Public Debt “permanent” and setting the limit at \$1,389 billion. That reasonable agreement was between Ronald Reagan, the 40th president, and the 98th Congress. Yet the games will continue, merely evolving to something else.

100. Did you get that? There are no longer “two pots” of Debt, the original Liberty Loan amounts (its final amount of \$400 billion), plus all of their “temporary borrowing” that are never temporary. From this May 1983 event, over the next ten years, TEN TIMES they will “temporarily” raised the permanent amount of Debt. They Debt is never going down; obviously, spending is on its

own schedule which no one can control. The final “temporary farce” increase was the first Debt event for the new president, Bill Clinton, April 1993. By-the-way, if you’re interested go look, that “temporary increase” boosted the final George H.W. Bush limit of \$4,145 trillion, by \$225 billion. Only a few months later, “temporary increases” are relegated to the history books, as they . . .

101. Debt Games: Round 4.

102. August 1993. That final, “temporary” increase, from back in April, of \$225 billion, suddenly became a permanent boost of \$755 billion. You’ll never guess why that amount was so big? So they don’t have to touch it before the next election, coming in November 1994. Lucky that, for Democrats because that was when Hilary Care became an issue, Republicans went to town on that, as Newt Gingrich and House Republicans worked a masterful political campaign—and took control of the House: for the first time in 40 years. But the main point: Debt events are—almost always—staged as far away from elections as possible. I was almost dashing on with the story but there’s an important element to what I just wrote for its echo is coming back, in another sixteen years. First-term Democrat president goes monkeying around with health care and Republicans are waiting to pounce. It happened here, in 1993. It’s coming again, before you know it. However . . .

103. The Games of Round 4 will remain “stable,” as much as anything does in Washington, for the next 18 years. No more “temporary increases. They will all be “straight up,” honestly stated and done; each time Congress will take a vote, raise the stated dollar by whatever figure they choose, and that’s the end of it. No expiration, no need to do anything more . . . until their unending overspending catches up to the allowable amount of Debt—the Public Debt limit. There will be a total of 4 Debt events for President Clinton, 7 for George W. Bush. An “opening three” honest increases for President Obama . . . until it all changes, for the worst, in 2011.

104. Before we move on, a final thought about the 42nd president, Bill Clinton. Perhaps, maybe, with the fall of the Soviet Union, the United States got a “peace dividend”; maybe we didn’t

need to spend so much on Defense. Perhaps it part of that, and part of a Republican-controlled House forcing spending restraints on President Clinton. Here's what you'll see if you look at OMB Table 7.1, you'll see the Debt growing for each of the first-four fiscal years for Bill Clinton, FY1994–FY1997. But—the funny way they do their accounting, annual appropriations for FY1998–FY2001 showed that Bill Clinton, with help from Newt Gingrich, and his replacement, Denny Hastert, those four years had “balanced budgets.” They really did. The only thing was: they spent enough “extra” on who-knows-what, so there was a deficit for the year, and the total amount of Debt grew each year.

105. A little context before the horror show.

106. OMB Table 7.3 is fairly clear in its reporting of the chaotic and happenstance way which presidents and Congress “played” with the Public Debt limit. It all began as a stated dollar limit for those Liberty War Bonds of 1917. While the underlying bonds had interest rates and maturity dates set by Treasury at the time of issuance, the legal limit remained “the” legal limit until otherwise addressed. That is, the language in the law provided an opportunity, either representing good management by good government or clever sleight-of-hand, for Treasury to redeem bonds at maturity while at the same time continuing to issue brand new Debt under the original authorization—as long as the total outstanding remained under the legally-set limit.

107. Every Debt event recorded and presented by OMB in Table 7.3 is a fair and honest representation (as best as I can tell) of each Debt event. However, my endorsement of honesty and integrity of OMB Table 7.3 is qualified: it's *only honest through-and-including line 109*.

108. Line 109 is the 106th legal-and-dollar-stated Debt event. President Obama and the 111th Congress increased the Public Debt limit by \$1,900 billion, to \$14,294 billion (\$14.294 trillion). This was a straightforward increase, by stated dollar amount, with no expiration. Thus, from February 12, 2010, forward: \$14.294 trillion was the new, legal limit for the total outstanding Debt of the nation, as it appears in law, in 31 U.S.C. § 3101(b). *See* Ex. 1 – Public Debt Limit.

109. But wait a minute. There's a piece of political context missing there. Guess who supplied the votes for that largest-ever Debt limit increase? Democrats; *now, they did control* the House; this was the first time for Nancy Pelosi as speaker, with Harry Reid and Democrats in control of the Senate. Still! Republicans were voting for spending almost every damn time the annual spending or any other spending came along. But House Republicans didn't supply a single vote for this Debt limit increase; they're voting to spend the money, but because, in 2009–2010 Democrats controlled everything, Republicans—when it came to Debt—could “pretend” that the Debt wasn't caused by them; that's: lie. *They aren't who they pretend to be*, but they've worked a clever P.R. campaign so that their voters don't fully understand what's going on or they can't bring themselves to vote for someone on the other team. Before we leave this: for the first-three Obama Debt increases—all were legal, all stated exactly what the amount of increase would be—not one House Republican voted for an increase in the Debt; over in the Senate, the first increase had 3 Republicans senators say Yea, the second one, only one senator, and for the third—none. *Just playin' clever politics, I guess.*

110. What's coming next—is the birth of the crisis which is now before the nation. And right here in the story you're reading for yourself . . . Republicans and Democrats are showing you who they were, are, how they play, and how they love to pretend. That's—*how we ended up here!!!*

111. To recap: Beginning with the 8th Debt event of August 1954, through the 106th Debt event, February 2010, these Debt events always, always, always, stated the total, legal amount of the Public Debt allowed. Almost every individual event increased the limit by some stated amount to a new, stated total. These dollar amount increases with no time limit on them meant that there would be no need for further action. At other times, Congress and presidents played a game, perhaps raising the 1917 Liberty Loan amount (while it still existed, until May of 1983), then boosting that total with a “temporary increase” of some amount for a limited period of time; always force to return to this “temporary increase,” either extending it by another limited amount of time; often, using that next

needed action on the “temporary portion of the Debt” to boost the temporary amount.

112. One more important thought. Exhibit 3, to me, is rather important. With the start of the Debt Games in Round 3: the limit was “permanent” and all of the Debt was in a single pot; our old friend, the Liberty Loan Act of 1917 was finally retired. But they still played some games, saying that increases to the permanent Debt were temporary; but they always took a vote, always a stated dollar amount. Exhibit 3 is the run of 28 years, as honest as they could be; not great, but not bad-awful. Hah, and the funny thing about all that: *it was public*, it was. It was there in their reports. Who knows when OMB Historical Tables finally came online; when people discovered that and began to go take a look. And the media, well: they’ve never been in the business you thought they were.

113. “Objects in the mirror are closer than they appear to be.” *We digress*. That clever phrase was getting plunked in here. In a moment, to be a point about media reporting. Wait a minute; why are passenger car, outside rear-view mirrors *distorting images* so that “object are closer than they appear to be?” It’s giving you a wider field of vision, say, in the lane of traffic next to you, but at the trade off of the distortion. We’ve all gotten used to it, perhaps forgetting we knew that silly phrase. But: what about media reporting on the spending-and-debt games in Washington. They’re a distorted mirror. They’ve never told the nation of the march of late spending, year after year after year. Then Congress announces it has a secret backroom spending deal, days before the current, temporary spending runs out so, don’t you know, they just have to rush it through. You’ve seen the news; you’ve heard it said, year after year after year: it’s over a thousand pages; no one could possibly read it and yet, your representative and your two senators were going to vote on it, up or down. And no one. And no one. And no one was paying much attention, screaming at the top of their lungs: we have to make them stop. This is where all of the spending is coming from: rushed secret bills. This is where all of this nation-destroying Debt has been coming from. And they kept getting away with it. Until now. I say: it is—now or never.

**The ignoble end of the 94-year-long honest, stated
Public Debt limit: Obama-Biden-McConnell**

114. For decades Congress has been spending too much money. The dramatic effects, those “promised improvements” Congress put into the Budget Control Act of 1974 proved to be nothing more than empty promises. Judging Congress on its record of passing the annual spending for the nation in 12 bills and getting that done by September 30, the day before each new fiscal year begins—as they’d promised, in the 1974 budget law—they failed. But Congress had been cleverly hiding its spending circus from the nation with one missed deadline after another. But the Public Debt game is a bit different. Most times, a stated Public Debt limit has no “fixed” calendar date; it’s there and in the Code and works until too much deficit spending catches up to that amount. By the summer of 2011, the publicly stated, continually raised Public Debt limit had been “working,” sitting in the United States Code, for 94 years. A specific, stated, dollar-denominated limit for all 94 years. It wasn’t always perfect and far too often a dramatic circus, but it worked.

115. But the political pressure was *on*, for Republicans, in 2011. With their win in the 2010 November election, the GOP had taken back control of the House for only the second time in 52 years. Democrats controlled the House from 1955 through 1994, and 2007 through 2010. The Great Recession 2007–2008 had blown a huge hole in the nation’s finances. That disaster echoed through federal spending, beginning with Fiscal Year 2008 (FY2008) and hitting its last, high note with FY2012. Republican control of the House began January 3, 2011. House Republicans and Speaker John Boehner waited over three months, to early April 2011, to unveil and hastily approve their single, monster spending bill covering all twelve individual bills which they were supposed to pass for FY2011; finally, legally approved, April 15, 2011. Since the landmark Budget Control Act of 1974 took effect, September 1976, for FY1977, Congress had passed spending late 31 out of 35 years; as FY2011 was passed (the 35th year under the 1974 law), it was the 14th late year-in-a-row

since the last time annual federal spending was passed on time, September 1996, for FY1997. For those 14 late years-in-a-row, FY2011 set the record for how many days late, at 197 days; that's six-and-a-half months late, for a fiscal year which began back on October 1, 2010. The political problem for House Republicans wasn't confined to the embarrassment of getting spending passed so damn late. *They had given away the store* with their approval of FY2011 spending which would end up booking the then-second-highest deficit on record, at \$1.3 trillion.

116. Now, with FY2011 spending in the books: What about the Debt limit? Republicans decided they needed to prove they were serious about fiscal restraint. Speaker Boehner and President Obama and their staffs worked a series of private negotiations but couldn't find their way to an agreement. Into the breach stepped the thirty-six-year veteran of the United States Senate, Vice President Joe Biden. Senate minority leader Mitch McConnell negotiated on behalf of Republicans. Republicans needed a clever deal that they could tout as a “win.” So this was the deal they came up with: 1) \$741 billion in spending cuts (over ten years); 2) Joint Select Committee to find \$1.5 trillion in spending cuts (over ten years) or a mandatory sequester of *intended spending*; 3) votes in the House and Senate on a Balanced Budget amendment to the Constitution; 4) raising the Public Debt limit by \$2.1 trillion, in three steps, with increases of \$400 billion, then \$500 billion, then \$1.2 trillion. Whoever wrote the bill failed to realize that the goofy, complex mechanism for “raising” the limit—didn't, couldn't, raise the stated Public Debt limit. Not at all. Poor lawyering; Who did it?!?!

117. The total dollar amount for the Obama-Biden-McConnell spending-and-debt deal was \$2.1 trillion. But Republicans in Congress did not want to be seen “topping” the previously largest-increase-ever of the limit, Obama Debt event #3, of February 12, 2010, a \$1.9 trillion increase in the limit, to \$14.294 trillion. The authors of Obama-Biden-McConnell “staged” the \$2.1 trillion increase to come in three steps. Congress had “approved” the full \$2.1 trillion increase in the Public Debt limit. In reality, it was “conditionally approved.” The president had to “certify” to Congress that each

installment was necessary. Clever Mitch McConnell had already parked in the bill provisions so that Congress could take another two votes, denying the second and third limit increases, of \$500 billion and \$1.2 trillion (which it had approved only months ago). So, had the bill “legally raised” the stated Public Debt limit in law, in the United States Code, 31 U.S.C. § 3101(b)? Apparently not. Because a law isn't a law: *when someone gets to pencil in some final, conditional amount, sometime later.*

118. To this day, I am stunned by the honesty and integrity of the Office of Law Revision Counsel (OLRC)—at least on this specific matter. Everyone should take a few minutes to go look at 31 U.S.C. § 3101, online, at congress.gov. At the very top of the screen comes 31 U.S.C. § 3101(a), (b) and (c). Immediately under that text comes the list (hot links to the underlying documents) for a whole bunch of “increases” in the Public Debt limit, some of which may have been limited in time. Then there's “Historical and Revision Notes.” Between the two there's an almost comprehensive list (I'm not sure, I'm rushing to file this) of every Public Debt event. Note: no language is used right here, it's on down the page. All of the nation's Public Debt events had been relatively straightforward—until 2011. The way Obama-Biden-McConnell was written, and what OLRC did, was very simple. The law didn't “touch” where the nation's Public Debt limit had “lived,” in 31 U.S.C. § 3101(b). Obama-Biden-McConnell placed its “conditional approval” in a brand-new category, 31 U.S.C. § 3101A, and OLRC took its title from the bill: “Presidential modification of the debt ceiling.” OLRC, in a singular act of honesty and integrity, a kind of “silent whistle-blower event,” dumped all of the paragraphs of the “conditional,” convoluted sleight-of-hand approval: into the Code. But the folks at OLRC didn't, couldn't, change the stated dollar amount, of \$14.294 trillion, from Pub. L. 111-139, as it has sat there, since February 12, 2010. And the amount in the United States Code has not been changed by ten, subsequent Public Debt limit events, regardless of what the members of Congress have said, regardless of what their media buddies reported (and oh, by-the-way, media: it was never “raised!”). The stated dollar amount in the United States Code, today, is \$14.294 trillion.

119. The final upshot: Obama-Biden-McConnell *allowed* (?) Treasury to borrow \$2.1 trillion as a “sidecar” to the Public Debt limit, in 31 U.S.C. § 3101(b), of \$14.294 trillion; but Obama-Biden-McConnell didn’t change that amount. So, what is the legal limit today? \$14.294 trillion or \$16.394 trillion? And what will *that* definitive answer handed down in federal court: mean?

120. Plaintiff feels the pressure of time; there isn’t any more remaining before this Amended Complaint gets filed. We’ll leave the “broken” Public Debt limit story—right here, as it’s just been “broken.” But I bet you might want to know this. The limit was “broken” August 2, 2011, though no one would know that for sure until you saw, say late 2012, early 2013, that 31 U.S.C. § 3101(b) was still stuck, at \$14.294 trillion. I can’t tell you exactly when I got the odd idea one day: go look in the Code for the Public Debt limit. That was probably 2015 or 2016. I couldn’t believe. It didn’t make sense. It’s not possible. I thought about it. What are the choices? Well, since that law was rushed to passage, undoubtedly no one realized it wouldn’t work. *When did they know?* Who figured it out first, second, twenty-third? Who knows, we’ll never know—and here’s an important point for all. This scandal is too big. The dollars, more than most can comprehend. The dishonest and deceit and lies and games and pretense; the public fights, the threat of the nation defaulting and it was all a show staged for our benefit; hope you liked it. You will be a fool if you’re going to believe what anyone says—now—what any politician has to say about any of this. If they did it. If they knew—if they knew, they can and will never say: that! Their careers are the most precious thing to them in their entire lives. If any would now admit—their career would be over, so too, their reputations . . . for what’s left of their miserable lives. Unless, unless, unless: I’ve misjudged; will there be no big market crash coming *when* this scandal breaks? No traumatic stock market losses of, say 23 percent, 47 percent, or 61 percent. To me, it looks, smells like, walks-and-talks like what they did will have always warned us about: default.

121. *When* I first discovered what had happened, I couldn’t solve the crime. It was all

impossible to believe. Could it be: that no one knew. Well, maybe the leaders knew, members focused on budget and appropriations, of course they had to know. But wait. It could never be that this mess stayed close to the vest, a few leaders knew, but kept it hidden from everybody else. Besides, once the story ran on down the road, 2015, 2016—Trump gets elected—it can't be that there's anyone in Congress who didn't know that the Public Debt limit was "broken" and was only being "suspended." For two years, I stopped trying to answer the impossible until finally realizing: they all knew, and fairly early on. It would take a few more years to finally realize that—if everyone in Congress was part of a conspiracy this big, then everyone in the media knew, too.

122. All of the *reporting* throughout the 2010s, most of the time, said Congress was: *raising the Public Debt limit*. Raising; THEY'RE RAISING THE DEBT LIMIT! After all, for 94 years, that's how it was done. Safe, legal, and effective. Pick and new dollar amount, put it in a bill and vote it out, send it to the president. But now—what will the members of Congress and the liars in the media say. Who knows. When this breaks: "we hadn't noticed *that it wasn't being raised*; it didn't seem to us that that was out of the ordinary." *They have to argue for their stupidity and incompetence*—cause otherwise: they knew and they should all be fired as soon as possible. But that's just me.

123. So, I get to file my case. I'll get my days in court. I know I put way too many words to the page; no initial filing in federal court should go over twenty-some or thirty pages. But, you know what: this may be the only place where you'll be able to find the truth. All. Of. These. Truths.

124. As this Amended Complaint is filed, February 5, 2025, the media is still working its cover up; since this case was filed they haven't reported on it. No one in Congress is talking about it. New president, new Treasury secretary, but they're not showing their cards in public. I bet before a fortnights-thrice: there will be no more Public Debt limit. The mess will still be here; the lies, the bullshit. They'll have rewarded themselves, if you can call it, for their crimes by at least wiping away the Public Debt limit. As I wrote before, apparently: the limit broke itself. Don't say I didn't tell ya so.

Citizen-journalist-activist John Paul Durbin

125. In January 2020, the Plaintiff walked a letter into four congressional offices in Columbus, Ohio: Senator Sherrod Brown, Senator Rob Portman, Representative Joyce Beatty, and Representative Steve Stivers. Each letter was co-addressed to the member's caucus leader, Chuck Schumer, Mitch McConnell, Nancy Pelosi, and Kevin McCarthy. The letter was a general call upon Congress to consider the “crippled” Public Debt limit and take some public action. Congress took no such action and no appreciable changes were made. In January 2020, the Public Debt limit in 31 U.S.C. § 3101(b) was \$14.294 trillion, and remained unchanged after the letter. Plaintiff continued to edit his book, continued his research, and pondered what to do next.

126. In March 2021, the Plaintiff ceased editing his book, understanding that it would be impossible to sell a book for a scandal which was being suppressed, lied about, and hidden from the general public by the members of Congress, now a third presidential administration, all of the credentialed media covering Congress and the White House, all of the nation's financial press, with the oddest, studied silence by the three financial ratings agencies, the nation's most expert securities lawyers, and even the investment wizards throughout the nation's large firms specializing in assets under management. The author's difficult challenge was to find a way to promote the book, get the media to break the story, *or* find a way to force either president or Congress to answer in court.

127. October 14, 2021, marked the first Public Debt event for President Biden, but the 9th event in the string which began with the Budget Control Act of 2011, which effectively “crippled” the Public Debt limit. There was a curious set of details surrounding this Public Debt event. Following the Budget Control Act of 2011, the next seven Public Debt events, four under President Obama and three under President Trump, merely “suspended” the Public Debt limit which consistently remained at \$14.294 trillion, as set by Pub. L. 111-139 (which had added \$1.9 trillion to the existing amount which had been continually updated in 31 U.S.C. § 3101(b)). Suddenly,

everything changed. In ten days, from September 29 through October 7, 2021, the House and Senate took a nothing of a bill, a single page of text, proclaiming to be about “Promoting Physical Activity for Americans Act,” wiped away all of the text of the bill, then added a single line for the law: “The limitation under section 3101(b) of title 31, United States Code, as most recently increased by section 301 of the Bipartisan Budget Act of 2019 (31 U.S.C. 3101 note), is increased by \$480,000,000,000.” However, since 31 U.S.C. 3101(b) had remained “stuck” at \$14.294 trillion, since February 12, 2010, what would this mean? This dollar amount went into the footnotes of 31 U.S.C. 3101 and nothing more. The “in-house” Treasury Public Debt limit, since it is no longer stated by dollar amount in the United States Code, was “increased,” or “relieved,” but for only 8 days, until October 22, 2021, when Treasury's “Debt to the Penny” web page reported that it was once again stuck, now at \$28.909 trillion. It was now obvious to this reporter that the members of Congress had to know what was going on with the “crippled” Public Debt limit. I had to go to Washington and see who I might confront with this reporting and how that might be done. There are three more intriguing details on this, the first Biden Public Debt event.

128. The first odd detail. As previously noted, the Sherrod Brown-introduced bill, S.1301, titled “Promoting Physical Activity for Americans Act,” had been gutted and replaced with a single sentence adding \$480 billion to the “in-house” Treasury Public Debt limit and into the online footnotes of the United States Code. Unlike a thousand other bills passed into law, Congress did not change the title of this bill. Rhetorically, I'll ask: *Why didn't they change the title?* I've no doubts why. It's the cover-up for the “crippled” Public Debt limit, the cover-up which has left me with a book I cannot effectively market. To repeat: they didn't change the title of the bill as it became law. If you query congress.gov for the laws passed by the 117th Congress, you will find the ordered list, from the first law, PL 117-1 through PL 117-362.¹ Looking for Pub. L. 117-50, which was *this* Public Debt limit

1. Statutes at Law and Public Laws: <https://www.congress.gov/public-laws/117th-congress>

law, you find its entry is: S.1301 – Promoting Physical Activity for Americans Act.

129. The second odd detail. The elected government of the nation is comprised of 435 representatives, 100 senators, and the president and vice president. When it came to the Public Debt limit negotiations over the summer and into the fall of 2021, all Washington stood down, stayed silent, and made sure to stay out of the picture, leaving it to the two old dogs of the Senate, Majority Leader Chuck Schumer and Minority Leader Mitch McConnell to decide what to do. Now, while this “fact” was noted in press reports, no one in the media or in the commentariat thought this detail interesting, unsettling, undemocratic, or at great variance with Constitution and any semblance of functioning checks and balances in the system. I note that while the political, legal, and financial professionals and elites in Washington, New York, and throughout the nation knew of the “crippled” Public Debt limit, still stuck at \$14.294 trillion, the rest of the nation had no idea. Were the Senate leaders discussing how to cut spending, slow its rise, raise taxes, or do something to change the arc of the never-ending, accelerating rise of each year's deficit, ever piled atop the heap of the nation's Public Debt? Surely Republicans in Congress weren't going to roll over and allow Democrats to easily raise the limit getting no concessions in return. Hah! What no one knew was that the limit hadn't been raised, for real, for a decade. I wonder what they'll say when this scandal finally breaks.

130. The third odd detail. Though some middling percentage of Republicans in Congress are voting for most of the annual spending bills, not a single House or Senate Republican voted for this addition of \$480 billion to the Public Debt limit, though the limit is now only functioning as textual footnotes, without the full force of law. For this Debt event, Senate Republicans ended up “exposed” by leader McConnell as he put them in an awful spot where they were “forced” (“chose”) to sit on their hands and not filibuster this Democrat Debt event (failing to use their leverage). They complained, mightily, after this, acting as though McConnell negotiated in secret and they hadn't known what was up and didn't like having to accept what he had done. Within weeks, 46 of 50

Senate Republicans put out a letter, essentially playing the part of wounded warriors who were really, really worried about the rising level of the Public Debt.

131. On Monday, October 25, 2021, I phoned the Visitor Center for the United States Capitol Complex. I inquired about the ability of a citizen to visit the offices of members of Congress. Even in late October 2021, Congress still had “formal rules” in place regarding Covid-19. Maskless tours were being conducted in the Capitol Building and citizens coming for a member-approved visit were allowed in, but otherwise: no dice. Especially if that citizen wished to visit multiple offices. I thought: this can't be, this can't be right, this can't be constitutionally allowed. I phoned the Office of Legal Counsel for the Chief of the Capitol Police. Same answers, though more obnoxiously conveyed; “you're telling me that I can't get in and if I don't like it, then I'll have to go to federal court” I said. To which she rudely replied, “I'm not telling you anything other than you can't get in.”

132. On Tuesday, October 26, 2021, I departed Columbus, Ohio, headed to Washington, D.C., to go find out for myself the facts on the ground. It was a bit of a miracle I went because I was feeling unwell, but I was energized by the latest Public Debt limit bill, a scam, and angered by the dismissive comments by the secretary for the legal counsel of the Capitol Police.

133. Wednesday morning, October 27, 2021, I telephoned the offices of representatives from my hotel room in suburban Maryland. I stated that I had traveled from Ohio, conveying the effort put forth to come to Washington and that I wasn't a resident-constituent of their member. I phoned about ten offices, was rejected by all, except for one office which said that I might be able to hand off a packet to a staffer on the plaza outside the building. I was disgusted with that, but that was better than nothing, so I accepted that one offer, hoping for more once I arrived on Capitol Hill.

134. Capitol Hill, October 27, 2021, noon hour. It was nine and a half months since the disruptive riot on Capitol Hill, January 6, 2021. A riot for which the Capitol Police failed to adequately prepare for. Now, I would pay a heavy price as would every other American coming to

Capitol Hill. I had the sense of being in a public place, those outdoor spaces of the Capitol Building and the congressional office buildings. Yet these spaces did not feel warm, friendly, or welcoming. Militarized police officers were outside each building, warily eyeing every citizen, with their sidearms clearly displayed, many wearing bulky bulletproof flak-jacket vests. I phoned the office of the representative and again spoke with that staffer. The offer of the document hand-off on the plaza was honored. We exchanged phone numbers, and I requested a chance to come upstairs for a further discussion of these matters. I received no call back. I wander over to the Northwest corner of the Russell Senate Office Building trying to collect myself and consider what next. I was unkindly accosted by a middle-aged white Capitol Police officer who denied my resting spot as it was closer to the building entrance than he would allow. I phoned half a dozen Senate offices only to discover that there was no human at the end of the line. Right about as I was ready to move on, the Capitol Police officer returned, might have said something. I looked for and recorded his last name, to which he took great offense. As a rude and discourteous final rejoinder, he said: "you know, we're all after you." Why had he said that? Because I had taken his anonymity. Minutes later, at the Northeast corner of the building, I made the mistake of trying the huge, metal, outer doors to an entrance not realizing this entrance was no longer used for ingress. I was able to get in the vestibule, but nothing more. Now the outer door seemed impossible to budge to let me out, giving me a half-minute of panicked terror.

135. By 1530 hours that Wednesday, I was a beaten man, ready to dash away from the nation's capital to beat the evening's rush-hour traffic. This had been one of the most depressing days in my life as an American. The drive back to Ohio was but a blur as I considered what seemed to be my great failure. Coffee, bought in Morgantown, West Virginia, home of their state university, helped enliven me and buoy my spirits. Upon reaching the east side of Zanesville, Ohio, I encountered a massive traffic jam so I jumped off the interstate to save time while grabbing an opportunity to see the ordinary stretches of that town, home of the famous Y-Bridge and Zane Grey. I was ready to

discard this defeat and find a way to press ahead with my case against Congress.

136. December 16, 2021, marked the second Public Debt event for President Biden, now the 10th event in the string which began with the Budget Control Act of 2011, which “crippled” the Public Debt limit. President Biden and the 117th Congress now added a whopping \$2.5 trillion to the Treasury's “in-house” Public Debt limit. Pub. L. 117-73, much like October's event, said “That the limitation under section 3101(b) of title 31, United States Code, as most recently increased by Public Law 117-50 (31 U.S.C. 3101 note), is increased by \$2,500,000,000,000.” But this amount, as the one in October, went into the footnotes and nothing more.

137. October 20, 2022, John Paul Durbin filed suit in Washington, federal district court, *Durbin v. Pelosi*, 1:22-cv-03222. Plaintiff asks for his First Amendment rights of assembly and petition be honored, by congressional leaders (Pelosi, Schumer, McConnell, and McCarthy), both sergeants at arms, and the chief of the Capitol Police, enabling him to present his formal Petition For Redress directly to the members of Congress at their individual offices on Capitol Hill. Plaintiff also sued for a press credential, correctly identifying the responsible congressional officer for the House, the speaker, but never received a fair hearing *on this point* before that court dismissed that suit.

138. February 14, 2023. Letter to 33 United States senators running for reelection in 2024.

139. April 5, 2023. Letter to congressional leaders.

140. April 17, 2023. Letter to 34 stand up House Republicans.

141. July 1, 2024. Letter to speaker Johnson, senators Klobuchar & Fischer. Requesting formal credentialing, by them, for citizen-journalist-activist John Paul Durbin. In this letter I stated the actions which I was seeking to enjoy on my first few trips to Capitol Hill:

- (a) I'm allowed in the Capitol Hill Office Complex during normal business hours.
- (b) I do not have to have an appointment with any member or staffer, nor will I require anyone's permission to come and go as I please.
- (c) I enjoy a liberal allowance for the number of document pages I may bring with me for days when I'm